•	Application No.	Applicant(s)	
Serial Number	10/664,512	RUSS et al.	
*10664512*			

TERMINAL DISCLAIMER	☐ APPROVED	⊠ DISAPPROVED
The term of this patent shall not extend beyond the expiration date of U.S. Patent No:		
The term of this patent subsequent to the adjacent date has been disclaimed.		
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Docket No.: 10610324-3 (113687/3) OJS APPROVED

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

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TECHNOLOGY CENTER 2800 SPECIAL PROGRAM CENTER

SPECIAL PHUGHANI CENTE

In re Application of

RUSS and FISCHER

Application No.

10/664,512 September 16, 2003

Filed:

INTERNAL INTRODUCTION OF LOCK MASSES IN MASS SPECIROMETER

SYSTEMS

The owner, Agilent Technologies, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the stanutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No.6,649,909. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the seminal part of any patent granted on the messac application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later, expires for faiture to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6111104

Date

RENEE PRESTON MALL PARALEGAL SPECIALIST TECHNOLOGY CENTER 2800 Signature

Timothy H. Joyce (Reg. No. 38,197)

Attorney for Assignee

Typed or printed name and title

if applicable

[X] Commissioner is hereby authorized to charge the Terminal Disclaimer fee of 5110.00 under 57 C.F.R. § 1.20(d) to the deposit account of Agilent Technologies, Inc., deposit account number 50-1078.

06/18/2004 HBERHE

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